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SEP 28 2001

OFFICE OF PETITIONS

In re Application of :
Andrew F. Suhy, Jr., J. Aaron Bly, David :
P. Francis, John M. Melby, Patrick : DECISION REFUSING STATUS
O'Brien, Brent Parent, Ryan J. Sherman : UNDER 37 CFR 1.47(a)
Application No. 09/714,702 :
Filed: November 16, 2000 :
For: APPARATUS AND METHOD FOR :
TRACKING AND MANAGING PHYSICAL :
ASSETS :

This is in response to the "Petition Under 37 CFR 1.47(a)," filed April 23, 2001 (certificate of mailing date: April 19, 2001).

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor.

FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on November 16, 2000 without an executed oath or declaration and naming Andrew F. Suhy, Jr., J. Aaron Bly, David P. Francis, John M. Melby, Patrick O'Brien, Brent Parent, Ryan J. Sherman as joint inventors.

Accordingly, on February 20, 2001, a "Notice to File Missing Parts of Application" was mailed, requiring an executed oath or declaration, and a \$130.00 surcharge for late filing.

In response, on April 23, 2001 (certificate of mailing date: April 19, 2001), the instant petition, which states the non-signing inventor, Brent C. Parent was sent the application and Combined Declaration and Power of Attorney on two occasions and responded to neither; copies of two cover letters to non-signing inventor Brent Parent; and a Combined Declaration and Power of Attorney.

A grantable petition under 37 CFR 1.47(a) requires:

- (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
- (3) the petition fee; and
- (4) a statement of the last known address of the non-signing inventor.

Applicant lacks item (2), as set forth above.

As to item (2), the Declarations, submitted April 23, 2001, contains an independent, signed, signature block for inventor Andrew F. Suhy, Jr. on his Declaration. However, when using separate oath or declarations for joint inventors, the signature block of **every** joint inventor should appear on each oath or declaration to be signed by a joint inventor. Petitioner should submit, with any renewed petition petitioner may wish to file, new Declarations that contain the signature block of every joint inventor on each of the signed Declarations submitted. Furthermore, it appears that the non-signing inventor, Brent C. Parent, was also presented such a Declaration that did not contain the signature block of every joint inventor. If this is the case, petitioner must submit to Mr. Parent a new declaration that contains the signature block of every joint inventor for his review and signature.

Petitioner's deposit account No. 18-0013, will be charged the required \$130 petition fee.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents
Box DAC
Washington, DC 20231

By FAX: (703) 308-6916
Attn: Office of Petitions

By hand: Office of Petitions
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, VA

Telephone inquiries related to this decision should be directed to Petitions Attorney Edward Tannouse at (703) 306-9200.

A handwritten signature in cursive script, appearing to read "B. Flanagan", followed by the word "for" in a simple, handwritten font.

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy